

Applicant: Bernalillo County
Zoning, Building, Planning &
Environmental Health Department
111 Union Station St. SE
Albuquerque, NM 87111

Property Owner: Thomas Benavidez
2821 ½ Gun Club Rd. SW

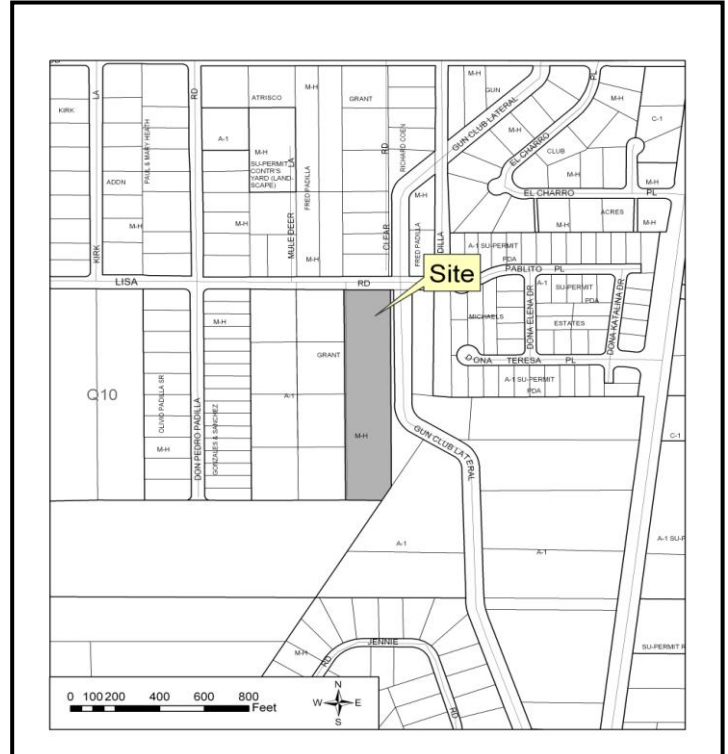
Location: 3110 Lisa Road SW

Property Size: 5 acres (approximately)

Existing SUP: Special Use Permit for a
Planned Mobile Home
Development

Zoning: R-1

Recommendation: Cancellation



Summary: The Zoning, Building, Planning & Environmental Health Department requests cancellation of an existing Special Use Permit for Planned Mobile Home Development. On January 4, 2010, the Zoning Administrator notified the owner of non-compliance with the Special Use Permit regarding submittal of a site development plan and proof of connection to water service or evidence of a permitted public well. To date, the applicant has not submitted a site development plan or proof of connection to existing sewer, water service or permitted well(s).

This case was continued from the May 5, 2010 hearing to allow the applicant to submit a site development plan and obtain the proper permits for compliance with Bernalillo County Ordinances. To date, Staff has not received a site plan and the proper permit has not been obtained.

Staff Contact: Adella Gallegos, Associate Program Planner

Attachments:

1. Notice of Special Use Permit approval dated November 30, 1990.
2. Land Use Map
3. Notice of intent to cancel Special Use Permit dated January 4, 2010
4. Notice of Decision dated May 10, 2010
5. Site photographs, aerial photograph, zone atlas page.

CSU-86-31 Zoning, Building, Planning & Environmental Health Department requests cancellation of a Special Use Permit for a Planned Mobile Home Development on Tract 2, Town of Atrisco Grant, located at 3110 Lisa Road SW, zoned M-H, and containing approximately 5 acres. (Q-10) (CONTINUED FROM THE MAY 5, 2010 HEARING)

AREA CHARACTERISTICS & ZONING HISTORY
Surrounding Zoning & Land Uses

	Zoning	Land use
Site	M-H with a Special Use Permit for a Planned Mobile Home Development	Mobile Home Development
North	M-H	Mobile Homes
South	A-1	One Residential Dwelling and vacant land
East	A-1	One Residential Dwelling, the Gun Club Lateral and vacant land
West	A-1	Mobile Homes and Residential Dwellings

BACKGROUND

Special Use Permit History & Overview

On November 27, 1990, the Board of County Commissioners authorized a Special Use Permit for a Planned Mobile Home Development Park located at 3110 Lisa Road SW; consequently, the mobile home development has existed on the subject site since 1986. Additionally, the underlying zoning of M-H was approved by the Board of County Commissioners on May 25, 1980 (CZ-80-1).

The Planned Mobile Home Development was approved on the basis that a detailed site development plan acceptable to the Planning Department and all other agencies be submitted and that the development shall be connected to the municipal water and sewer system upon availability.

The owner has been notified numerous times of the existing violations dating back to October 27, 1997. In accordance with Section 18.H.1. of the Comprehensive Zoning Ordinance, a final notification of cancellation was sent to the property owner dated January 4, 2010 soliciting cooperation towards resolving the outstanding issues (Attachment 3).

To date, Staff has not been contacted by the owner. In addition, a detailed site development plan has not been submitted nor have the proof of water and sewer connections, well permits or sewer abandonment permits been submitted.

Subject Site & Surrounding Properties

The property is zoned M-H and situated on the south side of Lisa Road and west of the Gun Club Lateral. The surrounding properties are developed with a mixture of residential dwellings and mobile homes. The subject site is surrounded by A-1 zoning on the east, south and west. M-H zoning exist to the north.

APPLICABLE REGULATIONS & POLICIES

Comprehensive Zoning Ordinance of Bernalillo County

Section 18. Special Use Permit Regulations.

H. Violation of the approved development plan or any condition imposed by the Board of County Commissioners in approving an application filed under this section shall constitute a violation of this ordinance and shall be subject the permit to cancellation pursuant to this section.

1. Procedures for Cancellation:

- (a) The Zoning Administrator or his designee has the duty of routinely inspecting the Special Use Permit to insure compliance with the approved development plan and conditions imposed by the Board of County Commissioners.
- (b) If the Zoning Administrator or his designee shall find that any of the conditions of the approved development plan or the conditions imposed by the Board of County Commissioners have not been complied with, they shall notify in writing, the owner, tenant, agent, occupant, or person in charge of the premises, indicating the nature of the violation and ordering its correction within 30 days.

- (c) In an event that a violation of the approved development plan or conditions imposed by the Board of County Commissioners continues, the Zoning Administrator or his designee may institute the appropriate action to cancel the Special Use Permit pursuant to this section of proceed against the owner, tenant, agent, occupant, or person in charge of the premises, pursuant to the Penalty section of this Ordinance.
 - (d) Any violation o the approved development plan or conditions imposed by the Board of County Commissioners that continues for a period of 30 days after notification by certified mail receipt return requested shall subject the Special Use Permit to cancellation pursuant to the process outlined under Section 18.E., Subsections 1, 2, and 3. In the event that the Special Use Permit is cancelled, all references to said Special Use Permit shall be removed from the official zoned maps by the County Planning Department.
2. In the event a use authorized by a Special Use Permit is not established within 12 months of the date of approval or is discontinued for a period of 12 months, the County Planning Department shall send notification by certified mail return receipt requested requiring the property owner, tenant, agent, occupant, or person in charge of the premises to state in writing within 30 days his or her intention to establish or continue said permit. If the property owner, tenant, agent, occupant, or person in charge of the premises does not declare in writing his or her intention to establish or continue said permit, then authorization or approval may be cancelled and relevant documents, if any, shall be removed from the official zone maps by the County Planning Department.

ANALYSIS

This request seeks to cancel a Special use Permit for a Planned Mobile Home Park on a 5 acre parcel located on the south side of Lisa Road and west of the Gun Club Lateral (CSU-86-31). Although the Special Use Permit was approved by the Board of County Commissioners on November 27, 1990, mobile home development has existed on the site since 1986.

Since the approval of the current permit, the property owner has failed to comply with the conditions attached to the approval of a Special use Permit for a Planned Mobile Home Park for the subject site. These conditions are the submittal of a detailed site development plan acceptable to the Planning Department and all other agencies be submitted and that the development shall be connected to the municipal water and sewer system upon availability. The property owner has been notified on numerous occasions and has not made any attempts to contact the Planning Office Staff nor has any evidence been submitted to verify that the owner has complied with the requirements attached to the approval of the current permit.

ADDITIONAL PLANNING DEPARTMENT COMMENTS, AUGUST 4, 2010:

This case was continued from the May 5, 2010 County Planning Commission hearing to allow the owner to submit a site plan and obtain the proper permits. Additionally, the owner was advised to initiate contact with Staff for compliance. To date Staff has not received a site plan or the required well abandonment permit. The owner has not contacted Staff or submitted any form of correspondence relative to this case.

Proposed Findings for Cancellation

1. This is a request for the cancellation of a Special Use Permit for a Planned mobile Home Development on Tract 2, Town of Atrisco Grant, located at 3110 Lisa Road SW, zoned M-H, and containing approximately 5 acres.
2. This matter is a result of continued violations of the Special Use Permit (CSU-86-31) and the failure to comply with the conditions placed on the approval by the Board of County Commissioners on November 237, 1990.
3. The property owner has failed to comply with the requirement of submitting a site development plan, acceptable to the Planning Department and all agencies and a well abandonment permit.
4. The Bernalillo County Planning Department notified the property owner of noncompliance with the provisions of the Special Use Permit on January 4, 2010, as described in Section 18.H. of the Comprehensive Zoning Ordinance of Bernalillo County.
5. This decision removes the Special Use Permit (CSU-86-31) from the property, and reverts the zoning on the site back to the uses and activities allowed, and as limited by, the underlying zoning designation of M-H Mobile Home and Single-Family Residential.

RECOMMENDATION:

Cancellation of CSU-86-31.

Adella Gallegos,
Associate Program Planner